

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JOHN MILITO, individually and on behalf of all others similarly situated,

Case No.

Plaintiff,

V.

SNAP INC., a foreign profit corporation doing business as SNAPCHAT and SNAPCHAT, INC.; and DOES 1-20, as yet unknown Washington entities.

## **NOTICE OF REMOVAL**

[Removal from the Superior Court of the State of Washington, King County, Case No. 25-2-03854-8 SEA]

Action Filed: February 7, 2025

TO: THE CLERK OF THE ABOVE-TITLED COURT

**AND TO: PLAINTIFF AND HIS COUNSEL OF RECORD**

PLEASE TAKE NOTICE THAT Defendant Snap Inc. removes this action—with reservation of all defenses and rights—from the Superior Court of the State of Washington for King County, Case No. 25-2-03854-8 SEA, to the United States District Court for the Western District of Washington pursuant to 28 U.S.C. §§ 1332(d), 1441, 1446, and 1453.

As explained further below, the Court has jurisdiction under the U.S. Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1332(d), because there is diversity between the parties (Plaintiff is not a citizen of the same state as Defendant), the aggregate amount in controversy exceeds \$5 million, and the class comprises over 100 putative class members.

## NOTICE OF REMOVAL

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1        **I. BACKGROUND**

2        1.        On February 7, 2025, Plaintiff John Milito, individually and on behalf of all  
 3 others similarly situated, filed a Complaint against Defendant Snap Inc. (“Snap”) in the Superior  
 4 Court for King County, Washington, Case No. 25-2-03854-8. True copies of all process,  
 5 pleadings, or orders in the possession of Snap are attached as **Exhibits 1-5**. No other pleadings  
 6 have been filed or served in the action.

7        2.        The Complaint asserts a cause of action under RCW 49.58.110 on a class-wide  
 8 basis on behalf of all individuals who applied for a job opening in the State of Washington with  
 9 Snap from January 1, 2023 to the present, where the job posting did not disclose a wage scale or  
 10 salary range. Complaint ¶¶ 49, 50.

11        **II. REMOVAL JURISDICTION UNDER THE CLASS ACTION FAIRNESS ACT**

12        3.        Snap removes this action based upon the Class Action Fairness Act of 2005,  
 13 codified in 28 U.S.C. § 1332(d). This Court has original jurisdiction of this action under §  
 14 1332(d)(2). As set forth below, this action is removable because (1) it is a putative class action  
 15 in which at least one class member is a citizen of a state different from that of any one defendant,  
 16 (2) the proposed class exceeds 100 members, and (3) the amount in controversy exceeds  
 17 \$5,000,000, exclusive of interest and costs. 28 U.S.C. §§ 1332(d)(2)(A); 1441. No defendant  
 18 identified in the Complaint is a state, officer of a state, or a governmental agency. 28 U.S.C. §  
 19 1332(d)(5).

20        4.        There is no antiremoval presumption in cases invoking CAFA. *See Dart*  
 21 *Cherokee Basin Operating Co., LLC v. Owens*, 574 U.S. 81. 89 (2014).

22        A.        **Minimal Diversity is Satisfied**

23        5.        CAFA’s minimal diversity requirement is satisfied here because at least one  
 24 member of the putative class is a citizen of a different state from that of one defendant. 28 U.S.C.

1       §§ 1332(d)(2), 1332(d)(5)(B). Specifically, Plaintiff is a citizen of a state (Washington) that is  
 2 different from that of Snap (Delaware and California). *See* Complaint ¶ 15.

3       6.       ***Plaintiff's Citizenship.*** Plaintiff alleges he resides in King County, Washington.  
 4 Complaint ¶ 15. For diversity purposes, a person is a “citizen” of the state in which he or she is  
 5 domiciled. *Kantor v. Wellesley Galleries, Ltd.*, 704 F.2d 1088 (9th Cir. 1983). Residence is  
 6 *prima facie* the domicile. *See Ayala v. Cox Automotive, Inc.*, 2016 WL 6561284, at \*4 (C.D.  
 7 Cal. 2016) (allegation that Plaintiff “is, and at all times mentioned in the Complaint was,” a  
 8 California resident “gives rise to a presumption that Plaintiff is a California citizen”). Plaintiff is  
 9 a citizen of Washington.

10       7.       ***Snap's Citizenship.*** For diversity purposes, a corporation “shall be deemed a  
 11 citizen of any State by which it has been incorporated and of the State where it has its principal  
 12 place of business.” 28 U.S.C. § 1332(c)(1). Snap’s principal place of business is in California.  
 13 Snap is a corporation incorporated under the laws of the State of Delaware. Therefore, Snap is a  
 14 citizen of California and Delaware for the purposes of determining diversity of citizenship.

15       B.       **The Putative Class Exceeds 100 Members**

16       9.       CAFA’s requirement that the proposed class include no less than 100 members is  
 17 satisfied here because the alleged putative class has more than 100 members. *See* 28 U.S.C.  
 18 § 1332(d)(5)(B).

19       10.       Plaintiff alleges that on or about February 1, 2025, he applied for a job opening in  
 20 King County, Washington with Snap that did not disclose the wage scale or salary range being  
 21 offered. *Id.* ¶¶ 25-26. Plaintiff seeks to represent “[a]ll individuals who, from January 1, 2023,  
 22 through the date of notice is provided to the Class, applied for a job opening in the State of  
 23 Washington with Snap Inc., where the job posting did not disclose a wage scale or salary range.”  
 24 Complaint ¶ 39. Plaintiff does not provide an estimated number of class members, but says only  
 25 that there are “potentially dozens.” *Id.* ¶ 41.

1       11. A preliminary analysis of Snap's records show that more than 1,000 individuals  
 2 applied to the same job opening that Plaintiff allegedly applied to, which the Complaint alleges  
 3 was "a job opening in King County, Washington." *Id.* ¶ 25.

4       C. **The Amount in Controversy Exceeds \$5,000,000**

5       12. CAFA's requirement that the aggregate claims of the individual members of a  
 6 putative class, or the amount in controversy, exceed \$5,000,000, exclusive of interest and costs,  
 7 is similarly satisfied here. 28 U.S.C. § 1332(d)(6).

8       13. Snap denies Plaintiff's claims in their entirety and asserts that Plaintiff's single  
 9 cause of action under RCW 49.58.110 is not amenable to class treatment. Snap denies that  
 10 Plaintiff's interpretation of RCW 49.58.110 and the damages scheme thereunder is proper. Snap  
 11 provides the following analysis of potential damages for jurisdictional purposes only, without  
 12 admitting any liability. Snap bases the below analysis on the allegations in Plaintiff's Complaint,  
 13 solely to demonstrate that Plaintiff's Complaint puts a sufficient amount "in controversy" to  
 14 warrant removal under 28 U.S.C. § 1332(d). Nothing herein waives any of Snap's defenses or  
 15 arguments in this action.

16       14. Plaintiff's Complaint is silent as to the total amount of damages claimed. When  
 17 the amount in controversy is not readily apparent from a complaint, "the court may consider facts  
 18 in the removal petition" to determine the potential damages at issue. *Kroske v. US Bank Corp.*,  
 19 432 F.3d 976, 980 (9th Cir. 2005) (*quoting Singer v. State Farm Mut. Ins. Co.*, 116 F.3d 373, 377  
 20 (9th Cir. 1997)). A defendant must provide "a plausible allegation that the amount in  
 21 controversy exceeds the jurisdictional threshold." *Dart Cherokee Basin Operating Co. v. Owens*,  
 22 574 U.S. 81, 89 (2014); *see also Ibarra v. Manheim Invs., Inc.*, 775 F.3d 1193, 1197-98 (9th Cir.  
 23 2015) ("[A] defendant can establish the amount in controversy by an unchallenged, plausible  
 24 assertion of the amount in controversy in its notice of removal.").

25       15. The defendant's amount in controversy allegation should be accepted when not  
 26 contested by the plaintiff or questioned by the court, and evidence establishing the amount need  
 27 only be submitted when the defendant's allegation is challenged. *Dart*, 574 U.S. at 87, 89. Thus,  
 28

1 Snap is only required to demonstrate that it is plausible that the amount in controversy exceeds  
 2 \$5,000,000.

3       16.     Statutory penalties may be considered by the Court when determining the amount  
 4 in controversy. *See Chabner v. United of Omaha Life Ins. Co.*, 225 F.3d 1042, 1046 n.3 (9th Cir.  
 5 2000).

6       17.     The Court should also include requests for attorneys' fees in determining the  
 7 amount in controversy. *See Galt G/S v. JSS Scandinavia*, 142 F.3d 1150, 1155-56 (9th Cir.  
 8 1998).

9       18.     An initial review of Snap's records shows that during the proposed class period  
 10 from January 1, 2023 to the present, more than 1,000 additional applicants applied to the same  
 11 job posting that Plaintiff allegedly applied to.

12       19.     Plaintiff seeks “[s]tatutory damages of \$5,000 to Plaintiff and each Class member  
 13 pursuant to RCW 49.58.070 and RCW 49.58.110.” Complaint ¶ 55.

14       20.     Accordingly, under Plaintiffs' theory, there are more than \$5,000,000 in potential  
 15 statutory damages at issue. (At least 1,001 alleged class members x \$5,000 statutory damages  
 16 each = \$5,005,000.)

17       21.     Additionally, Plaintiff seeks “[c]osts and reasonable attorneys' fees.” Complaint  
 18 ¶ 56.

19 **III. THE PROCEDURAL REQUIREMENTS FOR REMOVAL ARE MET**

20       22.     Snap was served with the Complaint on February 12, 2025. This Notice of  
 21 Removal is timely because this Notice is filed within 30 days after service of the Complaint. 28  
 22 U.S.C. § 1446(b).

23       23.     The United States District Court for the Western District of Washington is the  
 24 appropriate venue for removal pursuant to 28 U.S.C. § 1441(a) because it embraces the place  
 25 where Plaintiff originally filed this case, in the Superior Court of Washington for King County.  
 26 *See* 28 U.S.C. § 84(a); 28 U.S.C. § 1441(a). Pursuant to Local Rule 3(e)(1), the action should be  
 27 assigned to the Seattle Division of this Court.

1       24. Upon filing this Notice of Removal, Snap will promptly furnish written notice to  
 2 Plaintiff's counsel and will file and serve a copy of this Notice with the Clerk of the Superior  
 3 Court of Washington for King County, pursuant to 28 U.S.C. § 1446(d).

4       25. In compliance with 28 U.S.C. § 1446(a), attached hereto as **Exhibits 1-5** are  
 5 copies of the state-court papers served herein, including copies of all process, pleadings, and  
 6 orders served upon Defendant.

7       26. Accordingly, Snap removes to this Court the above action pending in the Superior  
 8 Court of Washington for King County.

9 **IV. RESERVATION OF RIGHTS**

10      53. Snap reserves the right to amend or supplement this Notice of Removal, to present  
 11 additional argument in support of its entitlement for removal, and to present evidence supporting  
 12 this Notice in the event this Removal is challenged.

13      54. Snap intends no admission of fact or liability by this Notice of Removal and does  
 14 not waive any defenses, objections, or motions available under state or federal law. Further,  
 15 Snap expressly reserves the right to move for dismissal of some or all of Plaintiff's claims.

16  
 17 Dated: March 4, 2025

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